IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 4660 (SS) of 2001

Jitendra Singh Rawat,
S/o Sri Daya Singh Rawat,
R/o Village – Tejan,
Post and Tehsil – Munsyari,
District – Pithoragarh. **.... Petitioner.**

Versus

1. State of Uttar Pradesh though Ministry of Home Affairs.
2. Senior Superintendent of Police, District – Pithoragarh.
3. DIG, Nainital.

….Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. issue writ, order or direction in the nature of Mandamus commanding the respondents to pay the post retirement to the petitioner.

ii. Issue writ, order or direction as the Hon'ble High Court may deem fit and proper under the circumstances of the case.

iii. Award the cost of the petition to the petitioner.

From the perusal of record, it reveals that petitioner moved an application for leave to attend his ailing father. However, leave was not granted by the respondents. Consequently, petitioner under depression asked the respondents in absence of sanctioning of his leave, his

application of leave may itself be treated as letter of resignation. On this application, respondent no. 2 on 03.01.1972 accepted the resignation of the petitioner, which is clear from paragraph 7 of the writ petition and paragraph 4 of the counter affidavit.

As per settled law, petitioner is not entitled to get pension after resigning from the service. Petitioner has not challenged the order of accepting the resignation of the petitioner. Now, no relief can be granted to the petitioner for grant of pension.

In view of the above, writ petition devoid of merit, as such, is dismissed. No order of costs.

(M.M. Ghildiyal, J)

November 27, 2006
SKSharma